

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
Dallas Division**

<p>CHARLENE CARTER,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>SOUTHWEST AIRLINES CO., AND TRANSPORT WORKERS UNION OF AMERICA, LOCAL 556,</p> <p style="text-align: center;">Defendants.</p>	<p>Civil Case No. 3:17-cv-02278-X</p> <p><b>PLAINTIFF CHARLENE CARTER’S RESPONSE TO TRANSPORT WORKERS UNION OF AMERICA, LOCAL 556’S MOTION FOR SUMMARY JUDGMENT</b></p>
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Pursuant to Federal Rules of Civil Procedure, Rule 56, and Local Rule 56.4, Plaintiff Charlene Carter (“Carter”), through her counsel of record, hereby responds to Defendant Transport Workers Union of America, Local 556’s (“Local 556”) motion for summary judgment, ECF Nos. 181, 182, 183.

**I. Summary**

The Court should deny Local 556’s motion for summary judgment in its entirety and grant Carter’s motion for partial summary judgment because Carter has demonstrated that Local 556 caused her termination for exercising protected rights under 45 U.S.C. § 152 (Third) and (Fourth) in violation of the Railway Labor Act, 45 U.S.C. § 151 *et seq.* (“RLA”); breached its duty of fair representation owed to Carter; and caused Carter’s discharge for her religious beliefs and practices and intentionally discriminated against her in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* (ECF 80, pp.25-27, ¶¶ 93-102) (RLA claims); (ECF 80, pp.21-25, ¶¶ 78-92) (duty of fair representation claims); (ECF 80, pp.27-30, ¶¶ 103-122) (Title VII

claims). Local 556 has failed to offer any valid arguments, legal analysis, or relevant evidence to the contrary.

## **II. Legal and Factual Grounds Supporting Carter's Response in Opposition to Local 556's Motion for Summary Judgment and Carter's Motion for Partial Summary Judgment**

Pursuant to Local Rule 56.4, the legal and factual grounds on which Carter relies in opposition to Local 556's motion for summary judgment and in support of her motion for partial summary judgment are set forth in her response brief filed in opposition to Local 556's motion for summary judgment filed contemporaneously with this Response, and in her September 2, 2021 brief in support of her motion for partial summary judgment (ECF 171-1).

For the foregoing reasons, and the reasons set forth in her response brief in opposition to Local 556's motion for summary judgment, and in her brief in support of her motion for partial summary judgment, Carter requests that the Court deny Local 556's motion for summary judgment in its entirety and issue an order granting her motion for partial summary judgment.

Dated: October 4, 2021

Respectfully submitted,

s/ Matthew B. Gilliam

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**Certificate of Service**

I hereby certify that on October 4, 2021, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

s/ Matthew B. Gilliam